

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
CEASE AND DESIST ORDER**

ORDER NO. 91-055

**REQUIRING INTERNATIONAL TECHNOLOGY CORPORATION, BAKER SITE,
MARTINEZ, CONTRA COSTA COUNTY, TO COMPLY WITH THE
TOXIC PITS CLEANUP ACT OF 1984**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board) finds that:

1. International Technology Corporation (herein after called discharger) owns and operates Class I impoundments at their Baker site (hereinafter called facility). The facility is located east of the City of Martinez in Contra Costa County and directly south of the confluence of Pacheco Creek and Walnut Creek Flood Control Channels.
2. This facility has a total of eleven unlined Class I impoundments, which are designated as A-1, A-2, A-3, A-4, A-5, B, C, D-1, D-2, D-3, and E, and have been used for wastewater evaporation, biodegradation of wastewater and storage of contaminated storm runoff. Although the facility ceased accepting off-site waste in 1988, the discharger stored hazardous waste containing free liquid and contaminated storm runoff in these impoundments. Late in the summer of 1990, the discharger has moved the bottom sludges into mounds within impoundments A, C, D-2, D-3, and E. About six-inches of cover, consisting of soil from the impoundments' natural bottom, has been placed and compacted over the sludge mound. The temporary soil cover is intended to control wind dispersal and rainfall until final closure of the site. Staff has not evaluated the effectiveness of this cover to prevent infiltration of water. The discharger proposes to mound bottom sludge in the remaining impoundments during the summer of 1991.
3. On April 15, 1987, the Board adopted Cease and Desist Order (CDO) No. 87-037, which established a task and time schedule for the discharger to comply with the Toxic Pits Cleanup Act of 1984 (TPCA). The discharger submitted information as required by the CDO. The CDO required that all surface impoundments contain no liquid hazardous waste or hazardous waste containing free liquids by January 1, 1989. The discharger has reported, that only one of the eleven impoundments (impoundment B) contains a large amount of liquid (1.96 million gallons). The discharger has also allowed incident rain water to mix with hazardous waste sludges in impoundments B, D-1, and to a lesser extent in other impoundments, therefore, the discharger has not complied with the CDO.
4. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 17, 1986 and amended it on August 19, 1987 and July 18, 1989. This Order implements the water quality objectives for Suisun Bay as stated in the Basin Plan.
5. The potential beneficial uses of the ground water in the area are:
 - a. Industrial Process and Service Supply; and,

b. Agricultural Supply.

6. The existing and potential beneficial uses of the Walnut Creek and the Pacheco Creek are:

- a. Water Contact Recreation;
- b. Non-Contact Recreation;
- c. Warm Fresh Water Habitant
- d. Cold Fresh Water Habitant
- e. Wildlife Habitat; and,
- f. Fish Migration and Spawning.

7. This action is an order to enforce the laws and regulations administered by the Regional Board. This action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

8. The Board has notified the discharger and interested agencies and persons of its intent under California Water Code Section 13301 to prescribe this Order and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

9. The Board, in a public meeting, heard and considered all comments pertaining to this matter.

IT IS HEREBY ORDERED, pursuant to Section 13301 of the California Water Code, that the discharger shall Cease and Desist from violation the TPCA of 1984 by as follow:

A. Prohibitions

1. The discharge of wastes or hazardous materials in a manner which will degrade water quality or adversely affect the beneficial uses of the waters of the State is prohibited.
2. Further migration of pollutants through subsurface transport to waters of the State is prohibited.
3. Activities associated with subsurface investigation and cleanup which will cause adverse migration of pollutants are prohibited.
4. The discharge of any excavated or recovered waste constituents from the contaminated soils, into ground waters or surface waters is prohibited.

B. Specifications

1. The storage, handling, treatment or disposal of soil or groundwater containing pollutants shall not create a nuisance as defined in Section 13050(m) of the California Water Code.
2. Until the impoundments are closed, the impoundments shall be covered to keep hazardous waste sludges separate from rain water so as to assure ongoing compliance with the "cease discharge" provisions of the Toxic Pits Cleanup Act.

C. Provisions

The discharger shall comply with the Prohibitions and Specifications above according to the following time schedule and/or tasks:

1. Submit a technical report, acceptable to the Executive Officer, proposing a method of compliance with "cease discharge" as defined by the TPCA.

REPORT DUE: No later than May 15, 1991.

2. Submit a technical report containing certification of compliance with "cease discharge" as defined by the TPCA.

REPORT DUE: No later than November 1, 1991.

3. The discharger shall maintain a copy of this order so as to be available at all times to site operating personnel.

4. Technical reports, submitted by the discharger, in compliance with the Prohibitions, Specifications, and Provisions of this Order shall be submitted to the Board on the schedule specified herein. These reports shall consist of a letter report that includes the following:

- a. A summary of work completed since submittal of the previous report and work projected to be completed by the time of the next report;
- b. Identification of any obstacles which may threaten compliance with the schedule of this Order and what actions are being taken to overcome these obstacles;
- c. In the event of non-compliance with any Prohibition, Specification or Provision of this Order, written notification which clarifies the reasons for non-compliance and proposes specific measures and a schedule to achieve compliance. This written notification shall identify work not completed that was projected for completion, and shall identify the impact of non-compliance on achieving compliance with the remaining requirements of this Order; and,

5. All submittal of hydrogeological plans, specifications, reports, and documents (except quarterly progress and self-monitoring reports) shall be signed by and stamped with the seal of a registered geologist, registered engineering geologist, or registered professional engineer.
6. All samples shall be analyzed by State certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control records for Board review.
7. The discharger shall maintain in good working order, and operate as efficiently as possible, any facility or control system installed to achieve compliance with the requirements of this Order.

8. Copies of all correspondence, reports, and documents pertaining to compliance with the Prohibitions, Specifications, and Provisions of this Order, submitted by the discharger (two copies to the Board), shall also be provided to the following agencies:
 - a. Contra Costa County Health Department;
 - b. Bay Area Air Quality Management District;
 - b. State Department of Health Services; and,
 - c. EPA Region IX.
9. The discharger shall permit the Board or its authorized representative, in accordance with Section 13267 (c) of the California Water Code, the following:
 - a. Entry upon the premises in which any pollution sources exist, or may potentially exist, or in which any required records are kept, which are relevant to this Order;
 - b. Access to copy and records required to be kept under the terms and conditions of this Order;
 - c. Inspection of any monitoring equipment or methodology implemented in response to this Order; and,
 - d. Sampling of any ground water or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.
10. The discharger shall remove and relocate any wastes which are discharged at this site in violation of these requirements.
11. The discharger shall file with this Board a report of any material change or proposed change in the character, location, or quantity of this waste discharge. For the purpose of these requirements, this includes any proposed change in the boundaries, contours, or ownership of the facility. This includes any excavations in the site due to roadway maintenance or repair.
12. The Board considers the property owner and site owner to have a continuing responsibility for correcting any problems within their reasonable control which arise in the future as a result of this waste discharge, or water applied to this property during subsequent use of the land for other purposes.
13. These requirements do not authorize the commission of any act causing injury to the property of another or of the public, do not convey any property rights, do not remove liability under federal, state or local laws, and do not authorize the discharge of waste without the appropriate federal, state or local permits, authorizations, or determinations.
14. Pursuant to, or unless otherwise stated in, the requirements of California Water Code Sections 13271 and 13272, if any hazardous substance is discharged in or on any waters of the state, or discharged or deposited, or probably will be discharged in or on any waters of the state, the discharger shall report such discharge to the following:

- a. This Regional Board at (415) 464-1255 on weekdays during office hours from 8 a.m. to 5 p.m.;
 - b. The Office of Emergency Services at (800) 852-7550; and,
 - c. A written report shall be filed with the Regional Board within five working days and shall contain information relative to the following:
 - (1) The nature of waste or pollutant;
 - (2) The quantity involved and the duration of incident;
 - (3) The cause of spill;
 - (4) The estimated size of the affected area;
 - (5) The corrective measures that have been taken or planned, and a schedule of these measures; and,
 - (6) The persons/agencies notified.
15. Closure of the facility is regulated by numerous regulatory agencies which can affect the closure schedule. The Board will review the Order periodically and may revise the requirements when necessary. If the Executive Officer finds that new monitoring data indicate an increased threat of pollution from the facilities, he is directed to bring this Order back to the Board for reconsideration of the compliance schedule contained herein.
16. This Order amends the existing Cease and Desist Order (CDO) No. 87-037 as related to the Baker site only. Requirement No. 7 of Order No. 87-037 for the Baker site only, is superseded by Provision C.2 of this Order.
18. If the Executive Officer finds that the discharger has failed to comply with the provisions of this order, he is authorized, after approval of the Board Chairperson, to request the Attorney General to take the appropriate action against the discharger, including injunctive and civil remedies, if appropriate, or to issue a complaint for Board consideration of administrative civil liabilities.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on April 17, 1991.


Steven R. Ritchie
Executive Officer

Attachments:
Figure 1: Location Map

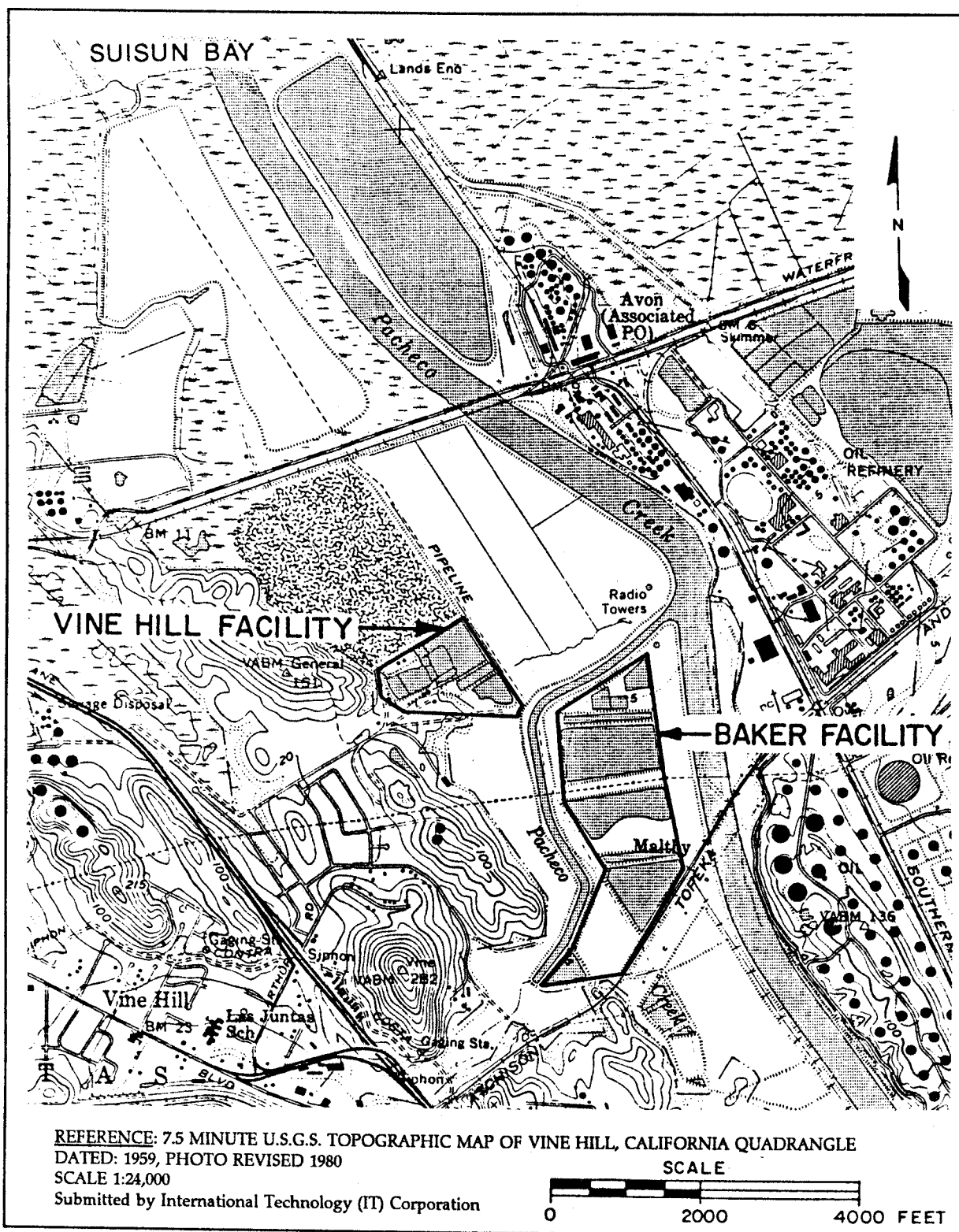


Figure 1: Location Map